

Reply to Office Action of February 1, 2005
Response Dated: February 9, 2005

Appl. No.: 09/904,593
Attorney Docket No.: CSCO-008/4339

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 09 2005

In re application of: Pankaj VYAS

Appl. No.: 09/904,593

Filed: 07/16/2001

For: Providing Differentiated Services on
ATM Switched Virtual Circuits
When Transporting IP Packets

Art Unit: 2666

Examiner: MOORE JR, MICHAEL

Atty. Docket: CSCO-008/4339

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (USPTO) (Fax No. (703) 872-9306) on February 9, 2005

Naren Thappeta

(Signature)

By: Narendra R. Thappeta (Type Name)

Amendment and Response Under 37 C.F.R. §§ 1.115 and 1.111

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Office Action mailed 02/01/2005 ("Outstanding Office Action")

5 It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No.: 20-0674.

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In the Outstanding Office Action, the applicants have been required to elect one of the following groups:

- I. Claims 1-11, 16-23, 27-35, and 39-47; and
- II. Claims 12-15, 24-26, 36-38, and 48-51.

5 Applicant elects group I of claims (i.e., 1-11, 16-23, 27-35, and 39-47) with traverse. The election is made without prejudice to or disclaimer of the other claims or inventions disclosed. The basis for the traverse is explained below.

It was noted in the relevant parts of Outstanding Office Action:

10 Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, ***invention I has separate utility such as flow control of data transmission*** through a network whereas invention II has separate utility such ***as connection admission control***. See MPEP § 806.05(d).
15 (Page 2, Paragraph 2, Outstanding Office Action, ***Emphasis Added***)

It is believed that flow control means, "Indicating from a receiver system to a source of data to stop sending further data until buffers are available in the receiver system". See, for example, Page 526 of a book entitled, "Interconnections Second Edition: Bridges, Routers, Switches, and Internetworking Protocols" by Radia Perlman, ISBN 0-201-63448-
20 1.

Claim 1 recites in relevant parts:

25 1. A method of providing differentiated services for IP packets transported on an asynchronous transfer mode (ATM) backbone, said method comprising:
provisioning a first switched virtual circuit (SVC) and a second SVC on said ATM backbone;
receiving an IP packet;
determining whether to send said IP packet on said first SVC or said

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second SVC according to services desired to be provided for said IP packet;
and

sending said IP packet on the determined one of said first SVC or
said second SVC.

(Independent claim 1)

It is unclear which elements of claim 1 form the receiver system and the source, and where the indication to stop sending further data is present in claim 1, according to the above definition of 'flow control'.

In addition, the 'provisioning' feature recited in claim 1, also appears to fall into "class 370, sub-class 395.2: Connection set-up/disconnect(e.g., Connection Admission Control)", since provisioning generally covers connection set-up. Accordingly, both claims 1 (of group I) and group II are commonly believed to have the use of connection set-up of sub-class 395.2 of class 370.

To the extent the Examiner believes that the arguments above are incorrect, clarification, with examples, is respectfully requested.

In this regard, MPEP § 806.05(d) states in relevant parts:

The burden is on the examiner to provide an example.

If applicant proves or *provides an argument, supported by facts*, that the other use, suggested by the examiner, cannot be accomplished or is not reasonable, *the burden is on the examiner to document a viable alternative use or withdraw the requirement.*

(MPEP § 806.05(d), last two paragraphs, *Emphasis Added*)

The Examiner is respectfully requested to meet the burdens noted above or withdraw the restriction requirement.

The Examiner is invited to telephone the undersigned representative at

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1.707.356.4172 if it is believed that an interview might be useful for any reason.

Respectfully submitted,

Naren Thappeta

Date: February 9, 2005

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